

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	
	)	NO. CR06-5506RBL
Plaintiff,	)	
	)	ORDER CONTINUING
v.	)	TRIAL
	)	
AUGUSTINE CABELLO,	)	
and DANIEL K. MARSDEN,	)	
	)	
Defendants.	)	
_____	)	

THIS MATTER came before the Court upon the motion of the defendant, AUGUSTINE CABELLO, by and through his attorney, Peter Mazzone, and DANIEL K. MARSDEN, by and through his attorney, Stephan R. Illa, and the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, Douglas Whalley and Matthew H. Thomas, Assistant United States Attorneys for said District, requesting a continuance of the trial date. Having considered all the files and records herein,

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendants the reasonable time necessary for effective preparation, due to counsels' need for more time to review the evidence and consider possible defenses, taking into account the exercise of due diligence;

1       THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
2 3161(h)(7), that this is a reasonable period of delay in that the parties met recently to  
3 review the evidence in the case, that there has been delay due to weather and distance of  
4 travel, that one co-defendant has recently entered a guilty plea and the remaining parties  
5 are involved in on-going negotiations, and that the remaining defendants have requested  
6 more time to prepare for trial, and have indicated that they will file waivers of speedy  
7 trial in support of this motion.


8       THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,  
9 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that  
10 they outweigh the best interests of the public and the defendants in a speedy trial.

11       THIS COURT FURTHER FINDS that all of the additional time requested between  
12 the original trial date of January 16, 2007 and the new trial date is necessary to provide  
13 counsel for the defendants the reasonable time necessary to prepare for trial.  
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2 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be  
3 continued until March 26, 2007 at 9:30 a.m. For the reasons set forth above, the time  
4 between the original date and the new trial date is excluded in computing the time within  
5 which a trial must be held pursuant to Title 18, United States Code, Section 3161, et. seq.

6 New Pretrial Motions cutoff date is extended to February 6, 2006

7 IT IS SO ORDERED this 22nd day of December, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
Digitally Signed upon oral authorization (JAB)

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11 Presented by:

12  
13 s/ Douglas B. Whalley  
DOUGLAS B. WHALLEY  
14 Assistant United States Attorney

15 s/ Matthew H. Thomas  
MATTHEW H. THOMAS  
16 Assistant United States Attorney

17  
18 s/Stephan R. Illa  
STEPHAN R. ILLA  
19 Attorney for Daniel K. Marsden

20 s/Peter Mazzone  
PETER MAZZONE  
21 Attorney for Augustine Cabello  
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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2006, I electronically filed the foregoing stipulated motion to continue trial with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Matthew H. Thomas  
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